

### **REMARKS/ARGUMENTS**

The Advisory Action dated April 25, 2008 and the references cited therein have been carefully considered. In response to the Advisory Action, Applicant submits herewith new arguments in traversing the rejection of Claim 1. Applicant has also amended Claims 2, 8 and 9 and have added new Claims 11-17 which, when considered with the remarks set forth below, are deemed to place the case with Claims 1-17 in condition for allowance. A Request for Continued Examination (RCE) is being concurrently filed herewith.

#### ***Claims 1, 8, 9 and 17***

Applicant respectfully traverses the rejection of Claim 1. Applicant has also amended independent Claims 8 and 9 to include additional limitations not disclosed in the prior art. Applicant has also added new Claim 17 to define an arch made from metallic material.

Claims 1, 8, 9 and 17 define a clamping means integrally molded on a plastic cover and a metallic arch coupled to the clamping means. The clamping means includes a flange spaced from the cover with a recess formed in the flange. The arch includes a substantially planar base plate having an edge and at least one leg extending upwardly from the base plate, wherein the base plate edge is retained under the clamping means flange and the upwardly extending leg is received in the flange recess. It is respectfully submitted that none of the prior art references, taken alone or combined, discloses a cover coupling means or an arch having the structural features set forth in Claim 1.

The Examiner states that the Gerriet publication discloses a file including a front cover portion, a back cover portion, a spine and a plastic coupling means fixed to one of the cover portions. The Examiner further states that the coupling means includes a flange for receiving a planar base plate of an arch, and a recess for receiving an upwardly extending leg of the arch. The Examiner notes that the Gerriet publication does not disclose a coupling means being integrally molded with the cover. However, the Examiner concludes that, in view of the Anderson patent, it would be obvious to integrally mold the coupling means with the cover.

However, upon review of the Gerriet publication, it is clear that this reference fails to disclose:

- 1) a cover with coupling means being co-injection molded;
- 2) a front cover, back cover and spine being manufactured in one piece from plastic;
- 3) plastic hinges co-formed between the cover parts in order to connect these to each other;
- 4) clamping means with a flange provided with a recess; and
- 5) an upwardly extending leg of an arch received in a clamping flange recess.

Upon review of the Anderson patent, it is clear that this patent fails to disclose:

- 1) clamping means including a flange that is spaced apart from one of the cover portions;
- 2) a clamping flange provided with a recess;
- 3) a metallic arch having a planar base plate;
- 4) an arch base plate having a leg extending upwardly from the base plate;
- 5) an arch base plate edge retained under a clamping flange;
- 6) an upwardly extending leg of an arch received in the clamping flange recess.

Amended Claims 8, 9 and new Claim 17 define a metal binder assembly, (referred to as an arch in the present specification) made out of metal, (see e.g., page 1, lines 20-22). The Anderson clearly states that: “the metal binder assembly is relative expensive and some manipulation of such an assembly is required during securement to a cover, making manufacture not altogether simple.” (Column 1, lines 23-26.) Thus, the Anderson patent gives a strong motivation not to use or apply a metal binder system (arch). More precisely, Anderson clearly teaches away from the application of metal binder systems for reasons of their expensiveness and their complexity in manufacture.

Instead of this metal binder system and as a solution to the problem (see column 1, lines 23-26), the Anderson patent utilizes injection molded posts as binder elements (see column 1, lines 48-54). Accordingly, the skilled worker, when reading through the disclosure of the Anderson patent, gets a clear indication not to apply a metal binder system, but instead to apply injection molded plastic posts. Thus, not only does the Anderson patent present a fundamentally different arrangement, it also clearly and unambiguously teaches away a combination with the Gerriet publication.

Therefore, it would not have been obvious to a person having ordinary skill in the art at the time the invention was made to apply metal binders (arches) to a plastic cover having a coupling means integrally molded therewith. Thus, one skilled in the art is unable to bridge the gap between the disclosures of the Gerriet publication and the Anderson patent. On the contrary, the skilled person is expressly dissuaded from combining these two cited documents.

Furthermore, even when the teachings of both references documents are combined, such a combination still fails to disclose that the clamping flange is provided with a recess, wherein the upwardly extending leg is being received. Instead, the upwardly extending legs of the arch disclosed in the Gerriet publication are confined in recesses in the overlays, which are folded over the clamping flanges after the arch is inserted therein.

Therefore, even in the unlikely event the skilled worker were to combine the teachings of both the Gerriet publication and the Anderson patent, there would still be features missing that contribute to the current invention. Accordingly, it is respectfully submitted that Claims 1, 8, 9 and 17, and the claims that depend therefrom, patentably distinguish over the prior art.

### ***New Claim 11***

Applicants have further added new Claims 11-16, which define various additional features not found in the prior art. For example, new Claim 11 defines a clamping means including a wall extending upwardly from one of the cover portions or the spine, wherein the flange and the wall defining a substantially L-shaped cross-section for retaining the edge of the arch base plate under the clamping means flange.

None of the cited references, taken alone or combined, discloses a clamping means having an L-shaped cross-section with a recess formed in an upper flange, as defined in new Claim 11. Instead, as noted by the Examiner, the recess of the clamping means disclosed in the Gerriet publication is formed in an overlay, which is folded over the base portion of the clamping means. Accordingly, it is respectfully submitted that new Claim 11 patentably distinguishes over the prior art.

#### ***New Claim 12***

New Claim 12 defines a clamping means including a wall extending upwardly from one of the cover portions or the spine, wherein a flange of the coupling means extends outwardly from the wall in a direction toward an opposite guide means. The wall and the flange define a substantially L-shaped cross-section for retaining an edge of the arch base plate under the clamping means flange.

As discussed above with respect to Claim 11, none of the cited references, taken alone or combined, discloses a clamping means having an L-shaped cross-section with a recess formed in an upper flange. More particularly, none of the cited references, taken alone or combined, discloses a flange of the coupling means extending outwardly from the wall in a direction toward an opposite guide means, as defined in new Claim 12. Accordingly, it is respectfully submitted that new Claim 12 patentably distinguishes over the prior art.

#### ***New Claim 13***

New Claim 13 depends from new Claim 12 and further defines the recess formed in the flange of the coupling means as being open in a direction facing the guide means. None of the cited references, taken alone or combined, discloses a recess formed in the flange of the coupling means as being open in a direction facing the guide means. Instead, the recess formed in the overlay of the Gerriet clamping means is open in an entirely different direction. Accordingly, it is respectfully submitted that new Claim 13 patentably distinguishes over the prior art.

***New Claim 14***

New Claim 14 depends from new Claim 12 and defines a clamping means further including a tongue adjacent the flange recess, wherein the tongue extends outwardly from a wall in a direction toward the guide means a distance greater than the flange. None of the cited references, taken alone or combined, discloses any such structure. Accordingly, it is respectfully submitted that new Claim 14 patentably distinguishes over the prior art.

***New Claim 15***

Applicants have further added new Claim 15, which defines an arch that is snap-fit coupled to the coupling means without having to fold over any part of the coupling means. None of the cited references, taken alone or combined, discloses an arch that is snap-fit coupled to the coupling means without having to fold over any part of the coupling means, as defined in new Claim 15. Instead, as discussed in detail above, the arch disclosed in the Gerriet publication is retained in the clamping means by an overlay, which is folded over the base portion of the clamping means. Accordingly, it is respectfully submitted that new Claim 15 patentably distinguishes over the prior art.

***New Claim 16***

Applicants have further added new Claim 16, which defines an arch base plate that is in direct contact with one of the cover portions or the spine when coupled to the clamping means. None of the cited references, taken alone or combined, discloses an arch base plate that is in direct contact with one of the cover portions or the spine, as defined in new Claim 16.

In particular, the general idea of the invention defined in new Claim 16 is to present a file (ring binder) that is less spacious and bulky when transported and can be used as a standard ring binder. For these reasons the arch can be detachably connected to the cover of the binder and is in direct contact with the cover.

Contrary to this novel space reducing idea, the Gerriet publication discloses an arrangement where the base plate (20) is positioned on the cover, and then the base (29) is

positioned on top of the base plate, whereas the clamps are positioned on top of the base plate. Then the flap is folded over the clamps, adding a further material thickness. This means that paper retained in this file will lie on top of the flap, resulting in at least four layers of material above the cover. Similarly, the Anderson patent discloses a suitcase shaped cover, which cannot be disassembled in order to reduce space.

In the present invention, the base of the clamp is in direct contact with the cover. Thus, compared to the Gerriet device, the claimed invention reduces the material height with only two material layers. Accordingly, it is respectfully submitted that new Claim 16 patentably distinguishes over the prior art.

### *Conclusion*

In view of the foregoing remarks, favorable consideration and allowance of the application with Claims 1-17 are respectfully solicited. If the Examiner believes that a telephone interview would assist in moving the application toward allowance, please contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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